

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED BOARD OF PHARMACY  
BILL)

**A BILL FOR**

1 An Act relating to the Iowa prescription monitoring program and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.551, subsection 2, Code 2017, is  
2 amended to read as follows:

3 2. The program shall collect from pharmacies dispensing  
4 information for controlled substances identified pursuant to  
5 section 124.554, subsection 1, paragraph "g". The information  
6 collected shall be used by prescribing practitioners and  
7 pharmacists on a need-to-know basis for purposes of improving  
8 patient health care by facilitating early identification of  
9 patients who may be at risk for addiction, or who may be using,  
10 abusing, or diverting ~~drugs~~ controlled substances for unlawful  
11 or otherwise unauthorized purposes at risk to themselves and  
12 others, or who may be appropriately using controlled substances  
13 lawfully prescribed for them but unknown to the practitioner.

14 Sec. 2. Section 124.552, subsection 1, unnumbered paragraph  
15 1, Code 2017, is amended to read as follows:

16 ~~Each~~ Unless otherwise prohibited by federal or state law,  
17 each licensed pharmacy that dispenses controlled substances  
18 identified pursuant to section 124.554, subsection 1, paragraph  
19 "g", to patients in the state, ~~and;~~ each licensed pharmacy  
20 located in the state that dispenses such controlled substances  
21 identified pursuant to section 124.554, subsection 1,  
22 paragraph "g", to patients inside or outside the state, unless  
23 specifically excepted in this section or by rule, ~~and~~ and each  
24 prescribing practitioner furnishing, dispensing, or supplying  
25 controlled substances to the prescribing practitioner's  
26 patient, shall submit the following prescription information  
27 to the program:

28 Sec. 3. Section 124.552, subsection 1, paragraph a, Code  
29 2017, is amended to read as follows:

30 a. Pharmacy identification, if applicable.

31 Sec. 4. Section 124.552, subsections 3 and 4, Code 2017, are  
32 amended to read as follows:

33 3. Information shall be timely transmitted as designated by  
34 the board and advisory council by rule, unless the board grants  
35 an extension. The board may grant an extension if either of

1 the following occurs:

2     a. The pharmacy or prescribing practitioner suffers  
3 a mechanical or electronic failure, or cannot meet the  
4 deadline established by the board for other reasons beyond the  
5 pharmacy's or prescribing practitioner's control.

6     b. The board is unable to receive electronic submissions.

7     4. This section shall not apply to a ~~prescribing~~  
8 ~~practitioner furnishing, dispensing, supplying, or~~  
9 ~~administering drugs to the prescribing practitioner's patient,~~  
10 ~~or to~~ dispensing by a licensed pharmacy for the purposes of  
11 inpatient hospital care, inpatient hospice care, or long-term  
12 residential facility patient care.

13     Sec. 5. Section 124.553, subsection 1, Code 2017, is amended  
14 by adding the following new paragraph:

15     NEW PARAGRAPH. f. By targeted distribution of unsolicited  
16 reports, a prescribing practitioner or pharmacist who has been  
17 involved in authorizing or dispensing controlled substances  
18 to a patient who has been identified by the board, based on  
19 thresholds or criteria established by the board by rule, as  
20 an at-risk patient who may be abusing or misusing controlled  
21 substances or who may be in jeopardy of overdose or addiction  
22 to controlled substances.

23     Sec. 6. Section 124.553, subsections 2, 3, and 8, Code 2017,  
24 are amended to read as follows:

25     2. The board shall maintain a record of each person that  
26 requests information from the program and of all unsolicited  
27 reports distributed as provided in subsection 1, paragraph  
28 "f". Pursuant to rules adopted by the board and advisory  
29 council under section 124.554, the board may use the records  
30 to document and report statistical information, and may  
31 provide program information for statistical, public research,  
32 public policy, or educational purposes, after removing  
33 personal identifying information of a patient, prescribing  
34 practitioner, dispenser, or other person who is identified in  
35 the information.

1     3. Information contained in the program and any information  
2 obtained from it, and information contained in the records of  
3 requests for information from the program and of unsolicited  
4 reports distributed to prescribing practitioners and  
5 dispensing pharmacists, is privileged and strictly confidential  
6 information. Such information is a confidential public record  
7 pursuant to section 22.7, and is not subject to discovery,  
8 subpoena, or other means of legal compulsion for release except  
9 as provided in this division. Information from the program  
10 shall not be released, shared with an agency or institution, or  
11 made public except as provided in this division.

12     8. The board may enter into an agreement with a prescription  
13 database or monitoring program operated in ~~a state bordering~~  
14 ~~this state or in the state of Kansas~~ any state for the mutual  
15 exchange of information. Any agreement entered into pursuant  
16 to this subsection shall specify that all the information  
17 exchanged pursuant to the agreement shall be used and  
18 disseminated in accordance with the laws of this state.

19     Sec. 7. Section 124.554, Code 2017, is amended to read as  
20 follows:

21     **124.554 Rules and reporting.**

22     1. The board and advisory council shall jointly adopt  
23 rules in accordance with chapter 17A to carry out the purposes  
24 of, and to enforce the provisions of, this division. The  
25 rules shall include but not be limited to the development of  
26 procedures relating to:

27     a. Identifying each patient about whom information is  
28 entered into the program.

29     b. An electronic format for the submission of information  
30 from pharmacies and prescribing practitioners.

31     c. A waiver to submit information in another format for  
32 a pharmacy or prescribing practitioner unable to submit  
33 information electronically.

34     d. An application by a pharmacy or prescribing practitioner  
35 for an extension of time for transmitting information to the

1 program.

2 e. The submission by an authorized requestor of a request  
3 for information and a procedure for the verification of the  
4 identity of the requestor.

5 f. Use by the board or advisory council of the program  
6 request records required by section 124.553, subsection 2, to  
7 document and report statistical information.

8 g. Including all schedule II, schedule III, and schedule  
9 IV controlled substances and those substances in schedules  
10 III and IV that the advisory council and board determine can  
11 be addictive or fatal if not taken under the proper care and  
12 direction of a prescribing practitioner schedule V controlled  
13 substances except when dispensed by a pharmacist without a  
14 prescription.

15 h. Access by a pharmacist or prescribing practitioner to  
16 information in the program ~~pursuant to a written agreement with~~  
17 ~~the board and advisory council.~~

18 i. The correction or deletion of erroneous information in  
19 the program.

20 j. The establishment of thresholds or other criteria or  
21 measures to be used in identifying an at-risk patient as  
22 provided in section 124.553, subsection 1, paragraph "f", and  
23 the targeted distribution of unsolicited reports suggesting  
24 review of the patient's prescription history.

25 2. Beginning January ~~1, 2007~~ 15, 2018, and annually by  
26 January ~~1~~ 15 thereafter, the board and advisory council shall  
27 present to the general assembly and the governor a report  
28 prepared consistent with section 124.555, subsection 3,  
29 paragraph "d", which shall include but not be limited to the  
30 following:

31 a. The cost to the state of implementing and maintaining the  
32 program.

33 b. Information from pharmacies, prescribing practitioners,  
34 the board, the advisory council, and others regarding the  
35 benefits or detriments of the program.

1 c. Information from pharmacies, prescribing practitioners,  
2 the board, the advisory council, and others regarding the  
3 board's effectiveness in providing information from the  
4 program.

5     Sec. 8. Section 124.555, subsection 2, Code 2017, is amended  
6 to read as follows:

7        2. The council shall advance the goals of the program,  
8 which include identification of misuse and diversion of  
9 controlled substances identified pursuant to section 124.554,  
10 subsection 1, paragraph "g", reduction of drug overdoses and  
11 deaths attributable to prescription drug use and abuse, and  
12 enhancement of the quality of health care delivery in this  
13 state.

14      Sec. 9. Section 124.558, subsection 1, Code 2017, is amended  
15 to read as follows:

1. *Failure to comply with requirements.* A pharmacist, pharmacy, prescribing practitioner, or agent of a pharmacist or prescribing practitioner who knowingly fails to comply with the confidentiality requirements of this division or who delegates program information access to another individual except as provided in section 124.553, is subject to disciplinary action by the appropriate professional licensing board. A prescribing practitioner, pharmacist, or pharmacy that knowingly fails to comply with other requirements of this division is subject to disciplinary action by the board. Each licensing board may adopt rules in accordance with chapter 17A to implement the provisions of this section.

28 EXPLANATION

29           The inclusion of this explanation does not constitute agreement with  
30           the explanation's substance by the members of the general assembly.

31       This bill adds dispensing prescribers, unless otherwise  
32 prohibited by federal or state law, to those persons required  
33 to submit to the Iowa prescription monitoring program any  
34 reportable controlled substances dispensed or distributed to  
35 patients in this state. Dispensing prescribers are added

1 to respective Code provisions relating to extensions of  
2 time to submit required records, the required form of record  
3 submission, and penalties for failing to submit required  
4 records to the Iowa prescription monitoring program.

5 The bill authorizes the board of pharmacy and the Iowa  
6 prescription monitoring program advisory council to establish  
7 criteria for the identification of patients whose use of  
8 controlled substances may raise concerns about the safety of  
9 the patients' drug regimens and use patterns for the purpose  
10 of communicating those concerns with the prescribers and  
11 pharmacists involved in the patients' care.

12 The bill permits the board to interconnect with any other  
13 state prescription monitoring program for the sharing of  
14 patient prescription records on the condition that the other  
15 state prescription monitoring program agrees to comply with  
16 the laws and rules of this state regarding the access to,  
17 distribution of, and use of Iowa prescription monitoring  
18 program information and data. The bill also authorizes the  
19 collection of dispensing records for all schedule II, III,  
20 IV, and V controlled substances except when the schedule V  
21 controlled substance is dispensed by a pharmacist without a  
22 prescription.

23 The bill adds to the goals of the program the reduction of  
24 overdoses and deaths as a result of prescription controlled  
25 substance use and abuse. The bill changes the due date for  
26 annual reports to the governor and the legislature regarding  
27 the program from January 1 to January 15.

28 A pharmacist, pharmacy, prescribing practitioner, or agent  
29 of a pharmacist or prescribing practitioner who knowingly fails  
30 to comply with the confidentiality requirements of the bill or  
31 who delegates program information access to another individual  
32 except as provided in Code section 124.553 is subject to  
33 disciplinary action by the appropriate professional licensing  
34 board. A pharmacist or pharmacy that knowingly fails to comply  
35 with other requirements of the bill is subject to disciplinary

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1 action by the board. A person who intentionally or knowingly  
2 accesses, uses, or discloses program information in violation  
3 of the bill, unless otherwise authorized by law, is guilty of a  
4 class "D" felony.